

DRAFT

Delta Protection Commission
Minutes of the Thursday, July 24, 1997 Meeting
Jean Harvie Community Center, Walnut Grove

1. Call to Order/Attendance.

The meeting was called to order at 6:30 p.m. by Vice Chair Steve Mello. Commissioners in attendance were: Broddrick, Cabaldon(6:55 p.m.), Calone, Curry, Ferreira, Mello, Potter, Rhodes, Sanders, and Thomson(6:40 p.m.). Commissioners absent included: Chairman McCarty, Canciamilla, Harris, McGowan, Murphy, Nottoli, Salmon, Simas, and Yates.

2. Public Comments.

Vice Chair Mello asked for public comments on any items not on the agenda; there were none.

4. Chairman's Report.

Vice Chair Mello said the next meeting of the Commission is scheduled for Thursday, September 25, 1997, in the Jean Harvie Community Center; tentatively scheduled is review of the survey on recreation uses in the Delta prepared by the Department of Parks and Recreation. He said the new CALFED Subcommittee will meet Wednesday, August 6, 1997 to discuss the Ecosystem Restoration Program Plan.

Vice Chair Mello said the packets include a draft resolution of appreciation for Commissioner Steve Sekelsky who has retired and moved to Montana; action was postponed until a quorum was reached.

Vice Chair Mello noted upcoming events including the Pear Fair in Courtland and the Catfish Jubilee in Walnut Grove.

5. Attorney General's Report.

Richard Frank, representing the Attorney General, had no report.

6. Executive Director's Report.

Ms Aramburu announced a new Commissioner roster; Coastal Cleanup Day will be Saturday, September 20; the State Water Resources Control Board has announced initiation of proceedings regarding Vernalis flow objectives with hearings scheduled December 9-11; U.S. Fish and Wildlife announced the number of breeding ducks across North America rose 13 percent to 42.6 million--the highest numbers since the survey began in 1955; the San Joaquin County Council of Governments has completed a study of Route 12 within San Joaquin County which recommends construction of passing lanes from Mokelumne River (the boundary between Sacramento and San Joaquin Counties) to Potato Slough Bridge (near Tower Park Marina).

She said Professor Kjeldsen of California State University at Sonoma has completed his work preparing a baseline study of the four sites for in-channel island projects and that a grant application is being completed for submittal to CALFED for Category III funds to carry out a demonstration project; grant recipients will be announced in October.

Ms Aramburu introduced Walter Kornichuk, Environmental Services Intern, now working full time for the Commission and re-introduced Commissioner Gloryanna Rhodes, City Councilmember from City of Lathrop, representing San Joaquin County Council of Governments.

7. Pending Projects Memo.

Vice Chair Mello asked if there were any questions or comments; there were none.

8. Briefing on Corps/Department of Water Resources Study of Delta Levees; Phase II.

Lynn O'Leary, representing Corps of Engineers, noted that the Corps is also participating in the study of Delta in-channel islands including bringing two experts to the area to assist in the preparation of alternatives for inclusion in the CALFED grant application.

Ms O'Leary reviewed a hand-out distributed at the meeting which outlined the history of the project. The main purpose of the study is to keep the Corps involved in the Delta and to allow the Corps to coordinate with other local and State agencies. The partners in the study are DWR and Reclamation Board; DWR is a 50% cost-sharing partner. The first phase resulted in an initial report, a cost-benefit analysis, a west Delta study, and a study of Prospect Island. Construction of the Prospect Island project, a section 1135 wetland restoration project, is scheduled for October 1998. In addition, the Corps continues to be involved with CALFED and is carrying out the Lower Sacramento River fish migration/revegetation study and the Liberty Island study.

Phase II started in May 1997, with a revised agreement. The study will parallel CALFED and will result in a regional planning report. The report will guide future studies and projects for flood control, environmental restoration, and navigation. Phase II includes a 2,000 foot long test levee project on the north end of Sherman Island. The Corps will carry out the work with the assistance of the reclamation district. The project will include a lot of instrumentation to help provide information for future projects. The Corps will be refining a prioritization list for restoration projects in the Delta. The third component of Phase II is a risk-based analysis of flood control projects/levees on five islands (Sherman, Twitchell, Brannan-Andrus, Tyler and Staten). She noted there will be a public involvement component. She added that she is also working for CALFED and will ensure that the projects are carried out in tandem.

Commissioner Sanders asked the major goals of the levee test section; Ms O'Leary said the Corps data is out of date which results in over design of flood control projects. The current work will allow site specific design which is more economical and thus more feasible and would allow the Corps to continue involvement.

Commissioner Sanders asked if the data to be developed at the Sherman Island project would be site specific or regional; Ms O'Leary said the project would be site specific, but will address universal problems on other deep peat islands, such as lateral spreading and cracking.

Vice Chair Mello asked if the borings will determine the depth of peat; Ms O'Leary said yes. He asked if there has been a resolution of the seepage issues on Ryer Island associated with the flooding of Prospect Island; Ms O'Leary did not have specific information but she believes that relief wells are proposed to address seepage. Ms Aramburu noted that environmental review has not yet been completed, and she will inform the Commission when information is available.

Commissioner Sanders asked about the public participation opportunities; Ms O'Leary said each study will have a public participation component, but the specific program has not yet been finalized.

Jim Shanks, M&T Staten Ranch, asked if the studies will address channels as well as levees; Ms O'Leary said she understands the Mokelumne and Cosumnes River channels will not be studied, however, they may be studied in a basin analysis. She noted the Phase II study will only be looking at levees. The Corps does not dredge for flood control, only navigation. She said CALFED is proposing setback levees on some of the five islands to be studied by the Corps, and the outcome of the Corps study will be passed on to CALFED.

Commissioner Potter said one of DWR's the goals for the study is to re-engage the Corps in the Delta, hopefully resulting in a long term Corps program in the Delta. He suggested the Commission should, perhaps through a Subcommittee, carefully monitor the study to evaluate proposals in light of the Commission's mission and Land Use Plan.

3. Minutes of the March 27, 1997 Meeting.

Vice Chair Mello asked for corrections to the draft minutes. Commissioner Curry noted on page three, item nine, asked that the minutes be corrected regarding his comments; Ms Aramburu said she would check the tape.

On a motion by Commissioner Cabaldon, and a second by Commissioner Calone, the draft minutes, with corrections, were approved by a voice vote.

On a motion by Commissioner Ferreira, and a second by Commissioner Curry, the draft resolution for Commissioner Sekelsky was approved by a voice vote.

Commissioner Cabaldon noted Heather Fargo's appreciation for the Commission's resolution for her service.

9. Briefing on Governor's Flood Emergency Action Team (FEAT) 120 Day Report.

Ms Aramburu reviewed the findings of the 120 day report. She noted the Commission sent a letter outlining issues to the FEAT team after release of the 30 day report, and in addition, a public hearing was held in Walnut Grove on April 21. She said many of the issues of concern to the Commission have been included in the final 120 Day FEAT report. The final recommendations to the Governor include: (1) Development of a plan for emergency closures of the Delta waterways during periods of extremely high water; (2) Improved processes to facilitate levee and river channel maintenance; and (3) Development of guidelines to anchor marinas.

In addition, staff attended an "outreach meeting" sponsored by the Corps and DWR in Sacramento held to inform reclamation, levee and flood control districts, and concerned citizens, about flood plain management activities currently underway by the Corps and to discuss recommendations of the FEAT report.

She noted several projects which would start to implement some of the flood management recommendations are being presented to CALFED as candidates for Category III.

She requested permission to prepare a letter of thanks to the FEAT team and to the Governor for the work associated with preparation of the report.

Commissioner Broddrick noted that north of the Delta communities are concerned with increasing flood reservation to protect communities immediately downstream, and south of the Delta the concern was to preserve as much carryover capacity as possible, so the positions were opposed.

Commissioner Potter noted that at that afternoon's CALFED Ops meeting, Alex Hildebrand had asked that the reservoirs be emptied to help hold possible precipitation associated with El Nino because a lot of the levees have not yet been repaired

Vice Chair Mello asked if water in reservoirs would be used first, or simply released to the ocean; Commissioner Potter responded it would depend on schedule of any releases, perhaps it could double as the Fall "pulse" water required for environmental purposes.

Vice Chair Mello asked for public comment; there was none.

Vice Chair Mello directed staff to prepare letters for the Chairman's signature.

Commissioner Broddrick noted that further planning will be completed in March 1998.

10. Update on Hunting Activities on Water Covered Lands in Big Break Owned by East Bay Regional Park District.

Ms Aramburu noted the issue of hunting at Big Break was raised before the Commission last fall, after EBRPD acquired the eastern half of Big Break. The area which has traditionally been used for duck hunting from floating blinds. A meeting was scheduled July 2 to allow the current users to meet with EBRPD to discuss continued uses of the water-covered lands for duck hunting. After the meeting, it appears that EBRPD will allow the existing blinds to be used for hunting, and the staff seemed amenable to allowing the blinds to remain in place in the off-season since they would not create any adverse impacts to navigation. In addition, the hunters expressed concern about future "developments" at Big Break, and asked that they be notified of future planning programs for the area.

Commissioner Calone agreed the only outstanding issue is the storage of the blinds, and he recommended that the duck hunters be allowed to leave the blinds in place the rest of the year.

Vice Chair Mello asked for public comment.

Mr. Shanks asked if hunting would be allowed on Prospect Island; Ms Aramburu said the briefing by the Corps on the proposed project two summers ago had indicated that some recreation would be allowed, for example fishing. She said the issue should be addressed fully in the environmental document.

Mr. Shanks said there may be an interest in duck hunting in that area; Ms Aramburu said she did not know the Corps' current plans. Commissioner Broddrick said the last he heard the interior of the island would become waters of the State, which are open to public trust uses, including public recreation. He said the area may be managed as part of a national refuge, which would be different than management by State agencies on waters of the State of California. From the DFG's perspective, the restored area would be similar to Area C of Lower Sherman Island.

Commissioner Sanders said he would research the issue from State Lands Commission's perspective.

Mr. Frank noted that there are different perspectives held by State and federal agencies.

11. Update on Legislative Matters.

Ms Aramburu noted staff had not presented a summary of pending legislation to the Commission this year. She thanked agencies that prepare and forward legislative summaries to the Commission. She noted the staff report is for information only and simply lists pending legislation which would affect the Delta, or issues of importance to the Delta.

She noted the Commission has only taken a position on one piece of legislation, SB 172, the bill to create a fund and to streamline the process for removing abandoned vessels from waterways throughout the State. SB 172 passed through the Assembly Committee on Transportation on July 14, 14-0. The bill has only one more Committee hearing in the Assembly, the Appropriations Committee. She said she had attended a hearing called by Assembly Member Lemberg regarding the extent and the hazards associated with abandoned vessels. In addition, she attends Coast Guard's Delta Partners meetings; that group is very interested in clean-up of abandoned vessels.

Ms Aramburu noted that AB 979 (Leach), which was originally a vessel removal program, was been totally rewritten to address "boating under the influence", and has been approved and signed into law.

There were no Commissioner questions and no public comments.

12. Briefing on Prop 204 Grants for Public Access in the Delta.

Ms Aramburu noted Prop 204, approved by the voters last November, included \$995 million dollars for various loan and grant programs associated with water quality programs and for CALFED, including a two million dollar grant program for public access and recreation in the Legal Delta to be administered by the Department of Parks and Recreation. DPR has set up a grant program for half the money which will be available to local agencies and nonprofit groups. The other half of the money will be used by the Department for improvements on DPR lands in the Delta. The grant applications are due in December.

A workshop was held by DPR on Wednesday, July 16, 1997. There were presentations by Department of Parks and Recreation; by Bill Curry about Department of Boating and Waterways grant programs; by Georgia Lipphardt from Wildlife Conservation Board; and about the CALFED Category III grant program. There was participation from several local governments and interested parties.

Commissioner Curry said it was a lively workshop and hopes that grant applications will result.

Commissioner Sanders asked the definition of the Delta; Ms Aramburu said the funds are for projects in the Legal Delta; she said projects immediately adjacent to the Legal Delta may be considered by DPR.

Commissioner Potter asked if the Jean Harvie parking lot could be paved.

Vice Chair Mello asked for public comment.

Mr. Shanks noted there is a need for restrooms to serve water-skiers and fishermen; he said there is a lot of recreation activity and no restroom facilities. He compared it to farmers who have to provide restrooms to serve their workers. Ms Aramburu said restrooms could be funded under the program. Commissioner Curry asked for more details; Mr. Shanks responded. Commissioner Curry noted that there are funds for floating restrooms in the Delta; one question is where should they be located and who would operate and maintain them. Mr. Shanks said there is a potential public health problem, and said based on the level of support facilities available, the Delta may be saturated for recreation uses.

Commissioner Ferreira underscored the issue of who would maintain restroom facilities; Commissioner Curry said there is State and federal funding available.

Commissioner Thomson commented that the most likely location for new facilities is in public parks, and added that Counties are struggling to provide basic services and don't have funds for maintenance. He agreed that the issue needs to be addressed before additional facilities are provided to bring more people to the Delta.

Commissioner Curry asked additional questions about requirements to provide restrooms for farm laborers.

13. Commissioner Comments/Announcements.

Vice Chair Mello urged interested parties to look into a new program managed by U.S. Fish and Wildlife Service to offset costs of winter flooding of agricultural fields; staff has more information.

He mentioned that RD 563 reported that the district is apparently successful in obtaining a permit to dredge for material to carry out levee repair. He said the required testing indicated the sediment is "clean", and he will report on the costs at the next meeting.

Commissioner Potter asked if this represents a "breakthrough" in dredging; Ms Aramburu said issuance of a General Order will be a breakthrough. Mr. Shanks said the

process to gain permission to dredge is frustrating. Commissioner Potter said despite all the funding spent on testing dredged materials, he has never seen a project denied due to toxics and is concerned about the expenditure of the funds. Mr. Shanks concurred.

Commissioner Thomson suggested agendizing the issue of dredging at a future meeting, if necessary.

Commissioner Curry described the problem DBW is having with the public information announcements about closing the Delta waters in times of high water released by DBW after the January floods. He asked boaters and others to work with the DBW to protect the boating public and the Delta levees. He asked for help getting access to members of the Delta Chambers.

14. Adjourn

The meeting was adjourned at 8:10 p.m.